

# CONGRESSIONAL BLACK CAUCUS

Chairman Cedric L. Richmond

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## **Jobs and Justice Act Summary**

At the beginning of the 115<sup>th</sup> Congress, the Congressional Black Caucus (CBC) authored a policy book to deliver to President Donald J. Trump, entitled “We Have a Lot to Lose: Solutions to Advance Black Families in the 21<sup>st</sup> Century.” The book was responsive to then-candidate Trump’s question of what the Black community at-large has to lose under his presidency. In addition to educating the President and his Administration about the challenges facing the Black community, the book presented a compendium of legislative proposals authored and supported by Members of the CBC that would advance Black families for generations to come.

Now, the Congressional Black Caucus is pleased to introduce the ***Jobs and Justice Act of 2018***, an omnibus piece of legislation that addresses a wide range of issues, from comprehensive criminal justice reform to policies that promote economic empowerment. The Jobs and Justice Act proposes bold solutions to address generations of social and economic inequities and injustices.

***Jobs:*** The “Jobs” portion of the Jobs and Justice Act is largely inspired by the National Urban League’s Main Street Marshall Plan. The Plan, which was first proposed in the Civil Rights Movement of the 1960’s to promote equal access to economic opportunities, has never before been introduced in Congress in legislative form.

***Justice:*** The “Justice” portion of the Jobs and Justice Act presents bold reform for our nation’s criminal justice system, from improving the way police interact with the communities they serve, to expanding access to social services for individuals who have paid their debt to society. This section also includes provisions to protect access to the ballot.

## **DIVISION A - JOBS**

### **TITLE I – MAIN STREET MARSHALL PLAN**

This title includes a wide range of policy solutions to promote revitalization and job creation in historically-underserved communities:

- Encourages corporate diversity by requiring federal contractors and public companies to disclose the race, gender, and ethnicity of their board of directors and senior management.
- Expresses the sense of the House of Representatives that an infrastructure package should redefine infrastructure investment to include broadband, schools, treatment facilities, etc.; that federal funding should be robust and long-term; that minority contractors should be empowered; and that projects should be inclusive, resilient, future-proofed, and multi-modal.

- Expresses the sense of the House of Representatives that infrastructure spending bills should include development programs that recruit and train individuals from communities with high unemployment rates.
- Provides a rehabilitation tax credit for public schools.
- Provides an emergency supplemental appropriation totaling \$7.5 billion dollars over the next six years for the Drinking Water State Revolving Funds, which helps public water systems finance infrastructure projects in order to replace lead pipes, upgrade water infrastructure, and ensure clean drinking water for families.
- Authorizes a state to establish local hiring bid specifications or consider the hiring of local workers in the evaluation of bids and proposals for federal-aid highway projects.
- Directs the Department of Transportation (DOT) to issue regulations necessary to establish performance measures relating to multimodal transportation connectivity and accessibility for states and metropolitan planning organizations to use to assess the connectivity and accessibility of roadways, public transit infrastructure, pedestrian and bikeway infrastructure, and other transportation infrastructure.
- Provides an emergency supplemental appropriation totaling \$7.5 billion dollars over the next six years for investments in transportation infrastructure through the successful “TIGER” program, which provides competitive grants to local governments and transit agencies to fund innovative highway, bridge, and transit projects.
- Authorizes a competitive grant program to allow communities to invest in resilient strategies and better withstand and recover from natural disasters.
- Invests \$100 billion to create over 1.9 million jobs by addressing critical physical and digital infrastructure needs in schools.

## **TITLE II – POVERTY ALLEVIATION**

This title includes policy solutions to alleviate generational poverty:

- Directs federal funds to communities with consistent poverty by applying the 10-20-30 formula to 12 accounts.
- Reauthorizes the Assets for Independence Act to update the eligible uses for individual development accounts (IDAs) so that low-income individuals can save for the first-time purchase of a home and continue their education and for financial literacy.
- Aims to help low-income families across America pay for high sewer and water bills.

## **TITLE III – WORKFORCE DEVELOPMENT**

This title includes a range of policy solutions to help strengthen America’s workforce:

- Establishes new programs or amends existing programs related to workforce and community development, including directing the Department of Labor to award grants for job skills training for older individuals (older than age 45) and for workers in highly-skilled industries; and directing the Department of Education to award scholarships to students pursuing degrees in science, technology, engineering, or mathematics (STEM) and teaching certifications.
- Prioritizes educating and training for existing and new environmental health professionals.

- Amends Title IV of ESEA to provide grants to local educational agencies to encourage girls and underrepresented minorities to pursue studies and careers in science, mathematics, engineering, and technology.
- Requires a study of Federal agencies to determine which Federal agencies have the greatest impact on women's participation in the workforce.
- Provides two-year grants directly to cities, counties and qualified nonprofit organizations to train, hire, and retain workers for jobs in public service.
- Amends title XX Block Grants to allow states to assist low-income and long-term unemployed individuals with developing their own businesses and self-employment opportunities.
- This bipartisan bill authorizes the Secretary of Veterans Affairs to make grants to eligible organizations for the provision of transition assistance to members of the Armed Forces recently separated from active duty service and spouses of such members.
- Amends the Internal Revenue Code of 1986 to allow employers a credit against income tax for employees who participate in qualified apprenticeship programs.
- Expands opportunities for our nation's at-risk and opportunity youth by authorizing \$1.5 billion in formula grants for subsidized summer jobs for in- and out-of-school youth ages 14 to 24; authorizing \$2 billion in formula grants for partially subsidized year-round jobs for youth ages 16 to 24 who are out of school and work; and, authorizing \$2 billion in competitive grants to transform communities with high rates of youth disconnection into communities of opportunity.
- Amends the Fair Labor Standards Act of 1938 to increase the federal minimum wage to \$15 for regular employees over a 7-year period, for tipped employees, and for newly hired employees who are less than 20 years old.
- Amends FLSA to ban screening employees based on past wages, seek previous wages, or to retaliate for complaint of violation of this law.
- Expands protections for employees who are discriminated against based on their labor organizing activities.
- Requires the Department of Labor to request labor unions, general contractors, and businesses that will rebuild infrastructure, transportation systems, technology and computer networks, and energy distribution systems to actively recruit, hire, and provide on-the-job training to African American men ages 18 to 39 through existing jobs, apprenticeships, and "earn while you learn" programs.
- Incentivizes companies to pursue domestic R&D by raising the rate of the regular R&D credit and increasing tax credits for manufacturing tied to domestic research.
- Requires the Secretary of Homeland Security to establish cybersecurity occupation classifications, assess the cybersecurity workforce, develop a strategy to address identified gaps in the cybersecurity workforce, and for other purposes.
- Protects Social Security, railroad retirement, and black lung benefits from any garnishment to satisfy a debt (administrative offset), restoring these benefits to their historically protected status.
- Seeks to help military service members' spouses find well-paying jobs, contributing to higher quality of life for military families and improved retention of service members themselves.

## **TITLE IV – HEALTH EQUITY**

This title includes policy solutions to help promote health equity:

- Requires the Department of Health and Human Services to study characteristics of populations that do not have health insurance coverage, and award grants for free dental health services in underserved communities.
- Creates a demonstration project to allow states to provide diapers or a diaper subsidy for low-income and working families.
- Reaffirms the importance of clean air, clean water, resource conservation, and other policy goals that led to the enactment of existing environmental and public health protections; affirms the need to achieve environmental justice so that environmental and public health policies adequately and equally protect all Americans; commends environmental justice advocates for their work to achieve fairer, healthier, more sustainable policies and outcomes; acknowledges the prevalence of environmental injustices that directly affect the health and well-being of individuals and communities across the country, especially racial minority, rural, indigenous, and low-income communities; and affirms the commitment of the House of Representatives to ameliorating existing environmental injustices and preventing future injustices.
- Coordinates and increases research into the racial disparity in endometrial cancer deaths and educates the public and medical professionals about the disparity.

## **TITLE V – SMALL BUSINESS**

This title includes policy solutions to help support small businesses:

- Requires the Small Business Administration to make direct loans to small business concerns.
- Requires the Secretary of Commerce to establish a competitive program to make grants to States and political subdivisions of States to partner with local incubators in order to provide start-ups with workspace and other resources for use in developing their businesses.
- Amends the Small Business Act to require the Small Business Administration to report to the President and Congress an analysis of the number and dollar amount of prime contracts awarded by federal agencies each fiscal year to small business concerns.
- Provides incentives for investment in new and underserved areas by providing funding for small business growth accelerators in underserved geographies.
- Reestablishes a tax certificate program under which the Federal Communications Commission (FCC) certifies a person's sale of an interest in a broadcast station to socially and economically disadvantaged minorities or women in order for the seller to elect to treat the sale as an involuntary conversion for which no gain is recognized for tax purposes or as an unrecognized gain to reduce the basis for determining gain or loss subject to an allowance for a depreciation deduction.
- Amends the Internal Revenue Code of 1986 to permanently increase the limitations on the deduction for start-up and organizational expenditures.

- Establishes a small business start-up tax credit for veterans creating businesses in underserved communities.
- Improves the Federal Aviation Administration's oversight of its Disadvantaged Business Enterprise (DBE) program to help it better businesses owned by those who have been historically discriminated against to better compete for and win federally funded aviation projects.
- Helps small businesses comply with the Americans with Disabilities Act, and thus equip themselves to both hire and serve those with disabilities.

## **TITLE VI – ECONOMIC DEVELOPMENT**

This title includes policy solutions to promote economic development in underserved communities:

- Requires the Small Business Administration to make grants for commercial investment in economically underserved communities.
- Supports black-owned depository institutions by codifying the Minority Bank Deposit Program which encourages the federal agencies to deposit their funds with minority banks.
- Allows utility and telecom companies and landlords to report on-time payment data to credit reporting agencies, thus helping those with little to no credit build their credit scores based on a full picture of their payment history.
- Requires one minority and one woman at a minimum to be interviewed for each Federal Reserve Bank President vacancy.
- Improves access to the New Markets Tax Credit Program to Minority Depository Institutions and community banks.
- Extends and expands the New Markets Tax Credit Program.

## **TITLE VII – HOUSING AND ASSET BUILDING**

This title includes policy solutions to promote housing, homeownership, and asset building:

- Affirms the right of all renters to a safe, affordable, and decent home.
- Provides funding for emergency relief grants to address the unmet needs of homeless populations in jurisdictions with the highest need, rental assistance for persons and households who are homeless, and homeless outreach and coordination services.
- Amends the Fair Credit Reporting Act to prohibit a consumer reporting agency from creating a report containing a landlord-tenant court or other housing court record unless specific conditions are met.
- Provides additional funding for the public housing Capital Fund for large public housing agencies, for mortgage foreclosure mitigation assistance, and for incremental rental assistance vouchers.
- Reauthorizes a pilot program that establishes for mortgagees an automated process for considering other data for mortgage underwriting for potential borrowers with poor credit histories.
- Provides a mortgage premium discount for completing financial literacy courses.

- Establishes a grant program for financial literacy for 8-24-year olds.
- Establishes an Office for Under-Banked and Un-Banked Consumers.
- Directs the Department of Housing and Urban Development (HUD) to conduct a nationwide testing program to detect and report patterns of housing discrimination.

## **TITLE VIII – EDUCATION**

This title includes policy solutions to increase access to quality education:

- Provides grants for a continuum of care in public schools.
- Provides grants for computer science efforts.
- Directs the Secretary of Education to award competitive grants to states and local educational agencies for the development of environmental justice curricula and co-op programs for middle and high school students at schools.
- Authorizes the Department of Education (ED) to award grants to states and Indian tribes to waive tuition and fees at community colleges.
- Makes college credits more accessible and affordable for America’s students by allowing eligible students to use Pell Grants to pay for college credits while in high school.
- Improves Parent PLUS loans to eliminate origination fees, reduce rates, require counseling, and makes them eligible for income-based repayment.
- Establishes a grant program to partner with businesses to hire recent college graduates and to help students who want to get more skills return to complete degrees in certain disciplines.
- Establishes a grant program for schools to develop cyber security curricula focused on professional development and skills training for jobs.
- Expands the eligibility of students to participate in the supplemental nutrition assistance program.
- Requires accreditors to assess an IHE’s campus safety programs during the accreditation process, including the annual dissemination of certain information to students and faculty.
- Modernizes the HBCU Capital Financing Program.
- Provides grants for mentoring at-risk middle school students.
- Amends the Civil Rights Act of 1964 to restore a right to individual civil actions in cases involving disparate impact.
- Provides a significant increase to the Pell Grant Program with mandatory funding.

## **DIVISION B - JUSTICE**

### **TITLE I - POLICE REFORM**

- Prohibits racial profiling by a federal, state, local, or tribal law enforcement agency or agent. The term "racial profiling" includes the practice of relying on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation in making a routine or spontaneous law enforcement decision.

- Authorizes the Bureau of Justice Assistance to make matching grants to states, local governments and tribes for the acquisition, operation, and maintenance of body-worn cameras for law enforcement officers.
- Directs U.S. Immigration and Customs Enforcement (ICE) to ensure that all deportation officers of its Enforcement and Removal Operations wear body cameras when engaged in field operations or removal proceedings.
- Requires the Department of Justice (DOJ) to analyze existing law enforcement accreditation standards, recommend additional areas for the development of national standards, recommend the adoption of additional standards, and adopt policies and procedures to encourage accreditation of law enforcement agencies. It authorizes DOJ to make grants to federal, state, local, and tribal law enforcement agencies to obtain accreditation from certified organizations.
- Requires de-escalation training in our police academies with the overarching focus on preserving life.
- Directs states receiving funds under specified Bureau of Justice Assistance grant programs, after a specified compliance period, to require all individuals enrolled in an academy of a law enforcement agency of the state and all law enforcement officers of the state to fulfill a training session on sensitivity each fiscal year, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants.
- Amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the allowable use of grant funds under the Community Oriented Policing Services (COPS) program to include recruiting, hiring, and training career law enforcement officers who are residents of the communities they serve; and developing and publishing strategies and timelines to recruit, hire, and train a diverse and inclusive law enforcement workforce.
- Requires a state or Indian tribe that receives funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) program to report on use-of-force incidents involving a law enforcement officer and a civilian.
- Prohibits the transfer between federal and state law enforcement agencies of controlled firearms, ammunition, grenades, and explosives; controlled vehicles, certain trucks, and other highly mobile or mine-resistant ambush-protected vehicles; armored or weaponized drones; controlled aircraft that are combat configured or combat coded, or that have no established commercial flight application; silencers; long range acoustic devices; and items in the Federal Supply Class of banned items, with waivers for disasters, rescues, or other purposes where life and public safety are at risk.
- Directs the Federal Emergency Management Agency (FEMA), the Defense Logistics Agency, and the Department of Justice (DOJ) to jointly appoint a task force to determine the appropriateness of the use of certain military equipment by state and local law enforcement agencies.
- Directs the Department of Justice (Department) to pursue civil actions, including actions which would result in consent decrees, when the Department has reasonable cause to believe that that law enforcement has engaged in a “pattern or practice of conduct ... that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.”
- Authorizes the Department of Justice (DOJ) to award grants to eligible entities for the purpose of preventing or alleviating the effects of community violence by providing

education, mentoring, and counseling related to principles of nonviolence in conflict resolution.

- Limits civil asset forfeiture by restoring the 2015 Department of Justice guidance, which prohibits the Federal Government from accepting property seized by local police when there is no involvement by Federal law enforcement and the property does not relate to public safety.
- Reduces the amount that would otherwise be awarded to a unit of local government under the Edward Byrne Memorial Justice Assistance Grant Program by 75% for any such unit that, during the previous three fiscal years, funded an amount that on average was greater than 18% of its operating budget using revenue generated from collecting fines and other fees related to violations of traffic laws; and by 95% for any such unit for which, during the previous fiscal year, the percentage of individuals who identify as a race who were employees of the law enforcement agency for that unit and the percentage of individuals who identify as that race who live in the jurisdiction such agency serves differs by greater than 30%.
- Prohibits certain grant funding to a state with a bail system that uses payment of money as a condition of pretrial release in criminal cases.

## **TITLE II - PUBLIC DEFENSE**

- Amends the Immigration and Nationality Act to provide an individual in any removal, exclusion, or deportation proceeding or inspection (excluding primary inspections as defined by Department of Homeland Security policies) with a right to representation (at no expense to the government) by counsel of such individual's choosing, including remote counseling if counsel cannot personally meet with the individual.
- Requires the disclosure of all evidence favorable to the defense.

## **TITLE III - DRUG POLICY REFORM**

- Removes marijuana from the Controlled Substances Act and creates a “Community Reinvestment Fund” of \$500 million to invest in communities most impacted by the war on drugs, for programs such as job training, reentry, community centers, and more.
- Prohibits a state from receiving for a fiscal year any drug control and system improvement (Byrne) grant funds under the Omnibus Crime Control and Safe Streets Act of 1968, or any amount from any other law enforcement assistance program of the Department of Justice, unless the state does not fund any antidrug task forces for that fiscal year or the state has in effect laws that ensure that: (1) a person is not convicted of a drug offense unless the facts that a drug offense was committed and that the person committed that offense are supported by evidence other than the eyewitness testimony of a law enforcement officer (officer) or individuals acting on an officer's behalf; and (2) an officer does not participate in a antidrug task force unless that officer's honesty and integrity is evaluated and found to be at an appropriately high level.



#### **TITLE IV - JUVENILE JUSTICE**

- Establishes a bipartisan commission that will be housed within the United States Commission on Civil Rights' office tasked with examining the social disparities that disproportionately affect black men and boys in America. The commission will propose measures to alleviate and remedy the underlying causes of the adverse social conditions that are reality for too many of our nation's black men and boys.

#### **TITLE V - PARENTAL INCARCERATION**

- Improves the treatment of incarcerated women by addressing how inmates interact with their children during incarceration, allowing formerly incarcerated mentors to assist inmates with re-entry, and mandating that inmates have access to a greater range of health care products and in sufficient quantities.

#### **TITLE VI - SENTENCING REFORM**

- Excludes acquitted conduct from being considered at sentencing.
- Authorizes sentencing judges in drug cases to disregard, at their discretion, in determining the statutory sentencing range, calculating the sentencing guideline range, or considering the factors set forth in section 3553(a), any type or quantity of a controlled substance, counterfeit substance, firearm, or ammunition that was determined by a confidential informant, cooperating witness, or law enforcement officer who solicited the defendant to participate in a reverse sting or fictitious stash-house robbery.
- Creates a fairer sentencing structure for drug conspiracy cases by limiting the type and quantity of controlled or counterfeit substance that was the object of the conspiracy to the type and quantity intended by the defendant and involved in either his own unlawful acts or any unlawful act of a co-conspirator that was jointly undertaken and in furtherance of that unlawful act.
- Corrects the law to comply with the intent of Congress when it enacted 18 U.S.C. 924(c) by eliminating the stacking problem in certain gun cases.
- Eliminates that gun mandatory minimum entirely and limits the repeat offender sentence to crimes of violence that involve firearms.
- Expands compassionate release for certain prisoners who do not pose a risk to public safety by allowing the prisoner to file a motion for compassionate release where now only the BOP may file such a motion.
- Expands the grounds for compassionate release to include prisoners who are 60 years of age or older with an extraordinary health condition, caregiver parents of minor children whose primary caregiver has become incapacitated, or for other extraordinary and compelling reasons.
- Eliminates mandatory minimum sentences for federal drug offenses and requires the Attorney General to approve the federal prosecution of low-level drug offenses.
- Retroactively eliminates drug mandatory minimum sentences and instruct the U.S. Sentencing Commission to amend the U.S. Sentencing Guidelines accordingly.
- Corrects the current problem in calculating good time credit so that qualified prisoners will be credited for each year of the imposed sentence.

## **TITLE VII - DEATH PENALTY REFORM**

- Abolishes the use of the death penalty under federal and military law and converts federal death sentences to sentences of life in prison without parole.

## **TITLE VIII - VOTING**

This title includes policy solutions to expand access to the ballot and protect our democracy.

- Restores the Voting Rights Act of 1965.
- Amends the National Voter Registration Act to promote voter registration.
- Amends the Help America Vote Act to require same day registration.
- Establish a national federal holiday for federal elections.
- Allows a student to use their college identification card to vote in a federal election in all states that require a photo identification card as a requirement for voting.
- Amends the Help America Vote Act to prohibit the purchase or use in a federal election of an electronic voting system that does not produce a voter-verified paper record; require sufficient polling places, equipment, and resources to facilitate voting; provide due process requirements for individuals proposed to be removed from voting rolls; require the Attorney General to respond to allegations of voter intimidation or suppression; and grand rulemaking authority to the Election Assistance Commission.
- Requires a state that enacts a congressional redistricting plan prior to the next decennial census and apportionment of Representatives to obtain a declaratory judgment or preclearance from the Attorney General that such plan does not have the purpose or effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees of the Voting Rights Act of 1965.

## **TITLE IX - PRISON REFORM**

- Bans private prisons.
- Subjects records relating to the operation of and prisoners in a prison or other correctional or detention facility that is owned or operated by a nongovernmental entity, state, or local government and that incarcerates or detains federal prisoners pursuant to a contract or agreement with a federal agency to the Freedom of Information Act in the same manner as records maintained by a federal agency operating a federal prison or detention facility.
- Establishes a commission named the National Solitary Confinement Study and Reform Commission which will implement a comprehensive legal and factual study of the impacts of solitary confinement in the United States; requires the Attorney General to publish a final rule adopting national standards for the reduction of solitary confinement in America's prisons to ensure that it is used infrequently and only under extreme circumstances; incentivizes the adoption of the national standard by state and local prison officials; and increases the available data and information on the occurrence of solitary confinement, thereupon improving the management and administration of correctional facilities.
- Regulates and cap prison phone call rates.

- Reinstates federal parole.
- Eliminates immigration detention bed quotas.
- Adds a requirement for the Bureau of Prisons to place a prisoner in a residential reentry center that is within 50 miles of the prisoner's permanent legal address, subject to bed space availability.

#### **TITLE X - COLLATERAL CONSEQUENCES**

- Lifts the prohibitions on providing certain taxpayer-funded services and programs to formerly incarcerated individuals:
  - Lifts the ban on Pell Grants, removes questions about drug convictions from the FAFSA, and ends the practice of withholding student aid on the basis of drug convictions.
  - Lifts the ban on the Temporary Assistance for Needy Families (TANF)
  - Lifts the ban on the Supplemental Nutrition Assistance Program (SNAP)
- Prohibits federal agencies and federal contractors from requesting that applicants for employment disclose criminal history record information before receiving a conditional offer of employment, and prohibits agencies from requiring an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee.
- Broadens eligibility to allow the expungement of certain records related to a first-time drug possession offense committed before age 25 (currently, before age 21).
- Directs the US Census Bureau to count local, state, and federal prisoners at their last known address, not at their current prison location.

#### **TITLE XI - GUN VIOLENCE**

- Closes three loopholes in federal law relating to federal protections against gun violence for those who are victims of domestic violence or stalking.
- Clarifies the Dickey Amendment to allow for research for the study of the intersection of gun violence and mental health; requires the Surgeon General to issue an annual report on gun violence in America; and requires the Office of Minority Health at HHS to issue a report on the impact gun violence has on public health in minority communities.